

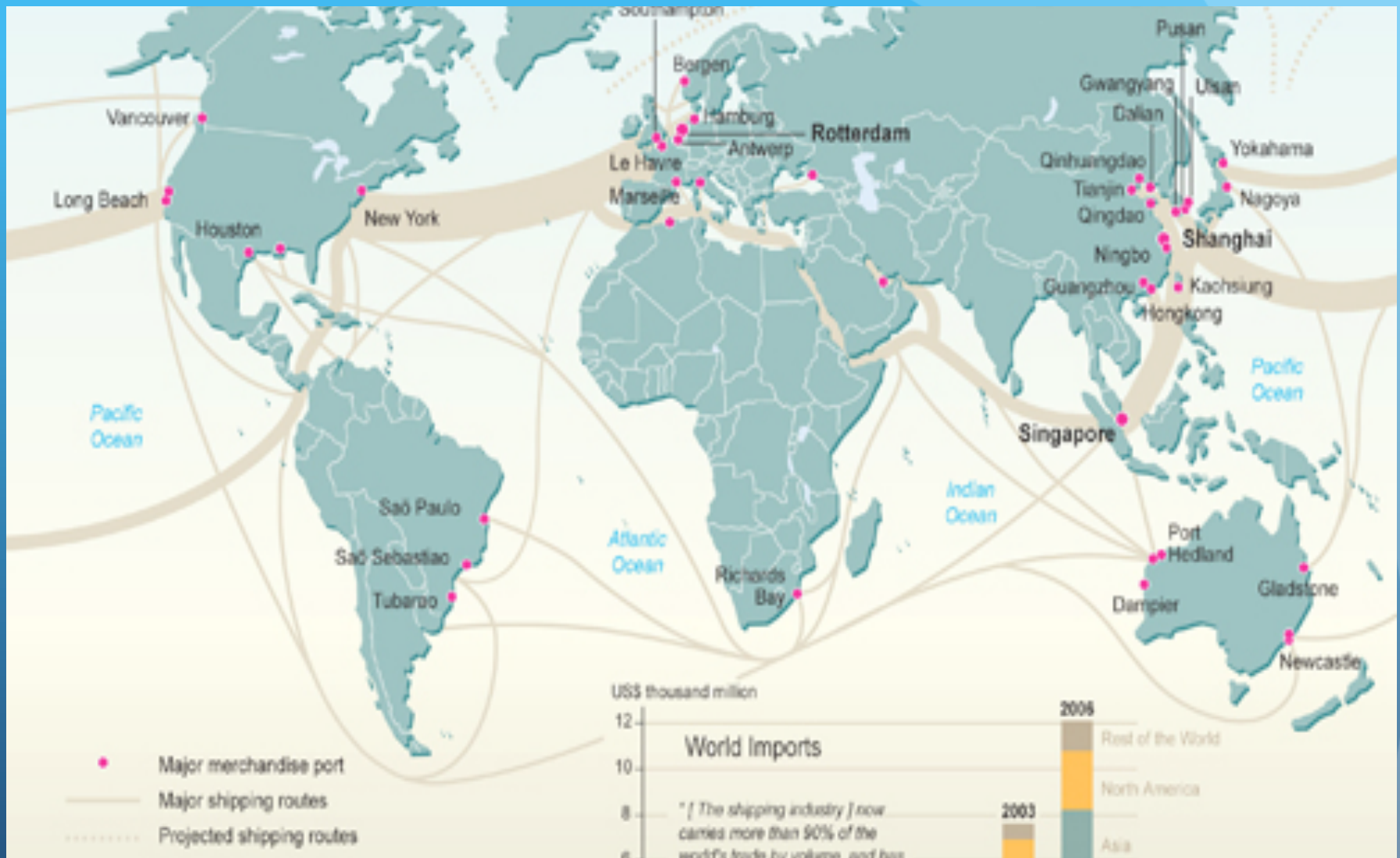
*Role of Private Maritime Security  
Companies (PMSCs) in sensitive shipping  
management*

*25 Jan 2017*



Helen Tung, Advocate & PhD cand.  
University of Greenwich

# 1. Introduction



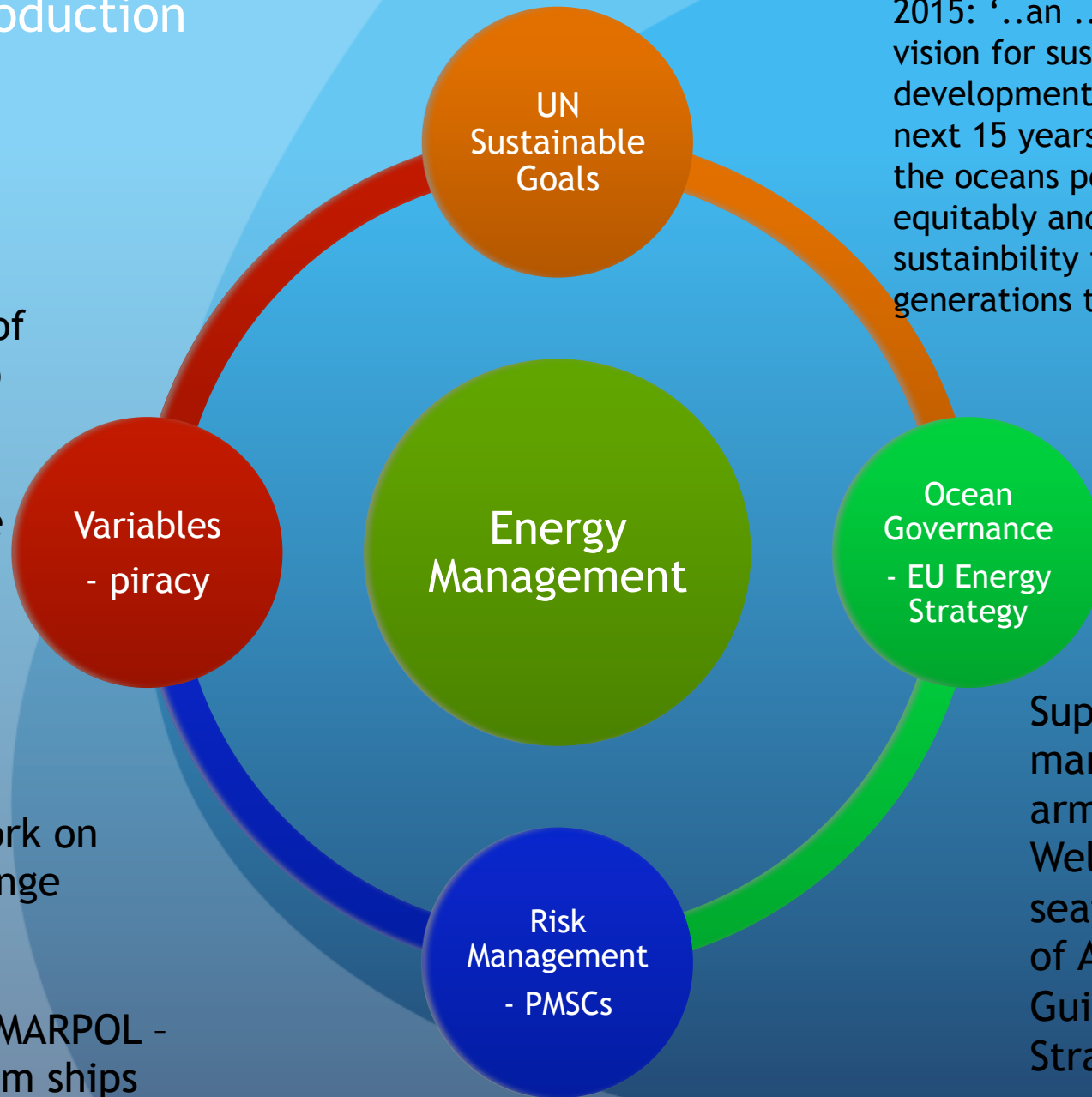
Source: IMO

# 1. Introduction

World  
Customs  
Organisation  
(WCO)  
Framework of  
Standards to  
Secure and  
Facilitate  
Global Trade  
SAFE  
Framework,  
June 2015)

UN Framework on  
Climate Change

IMO- MEPC  
Annex VI of MARPOL -  
pollution from ships



UNSG World Oceans Day 3  
2015: ‘..an ..emerging  
vision for sustainable  
development ...for the  
next 15 years..the gift of  
the oceans peacefully,  
equitably and  
sustainability for  
generations to come.’

Suppressing  
maritime piracy,  
armed robbery.  
Welfare of  
seafarers: Gulf  
of Aden, Gulf of  
Guinea, Malacca  
Straits

## 2. What is sensitive shipping management?

Hazardous materials - 2010 Int Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention)

International Code for Ships Operating in Polar Waters (Polar Code) Part I: safety-related requirements, Part II: pollution prevention, 1 Jan 2017

Human elements

Geography -  
Particularly  
Sensitive Sea  
Area (PSSA)

Piracy - Gulf of Guinea,  
Aden, Malacca Straights

Environmental  
Economic  
Political  
Legal  
factors

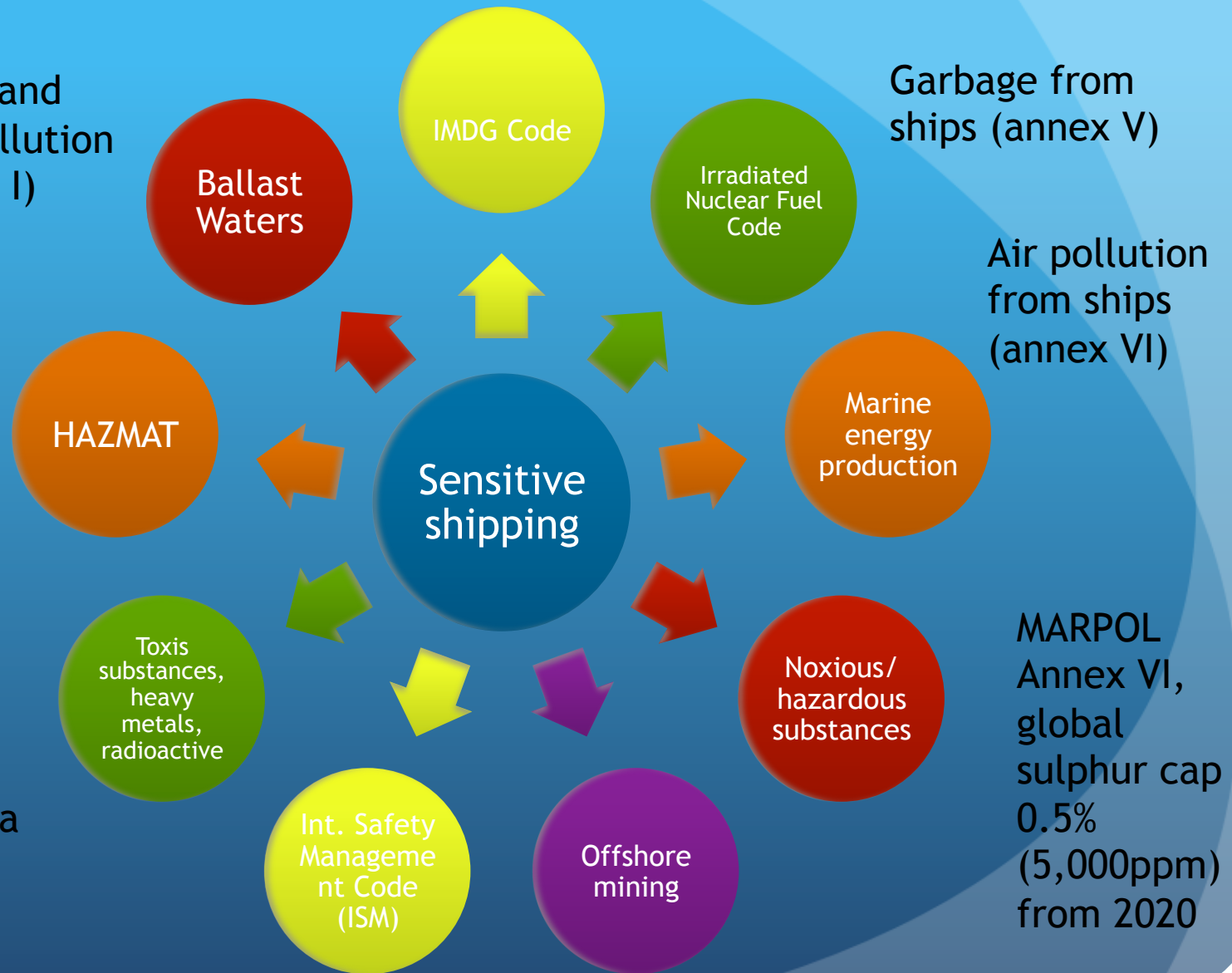
## 2. What is sensitive shipping management?

SOLAS:

- Prevention and control of pollution by oil (annex I)

Noxious liquid substances carried in bulk (annex II)

Harmful substances carried by sea in packaged form (annex III)



# 3. Environmental developments

- Recent International PCA case
- Climate Change
- Global Sulphur Cap
- Annex VI of the MARPOL Convention, adopted in 2009, for all ships trading outside sulphur Emission Control Areas (ECAs) to use fuel with a sulphur content of 0.5% or lower.
- EU - 0.5% sulphur requirement will apply in 2020 within 200 miles of EU Member States' coasts
- Source: ICS



### 3. Legal Regime - Ultra- hazardous radioactive Materials



### 3. Legal Regime - Ultra-hazardous radioactive Materials

- Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium & High Level Radiactive Wastes in Flasks Aboard Ships (INF Code)
- Akatsuki Maru: France to Japan (2,200 pds of plutonium) (1992)
- Pacific Swan, 90,000,000 curries of radioactivity, traveled around Cape Horn (Jan 2001)
- Pacific Pintail and Pacific Tea, Cape of Good Hope, 230 kg plutonium & 4 tons of uranium contained 28 MOX fuel assemblies
- Highly radioactive and radiotoxic nuclear materials could endanger large coastal populations or wide spread, LT radioactive contamination of the marine environment
- Source: J.M.V.Dyke (2002)

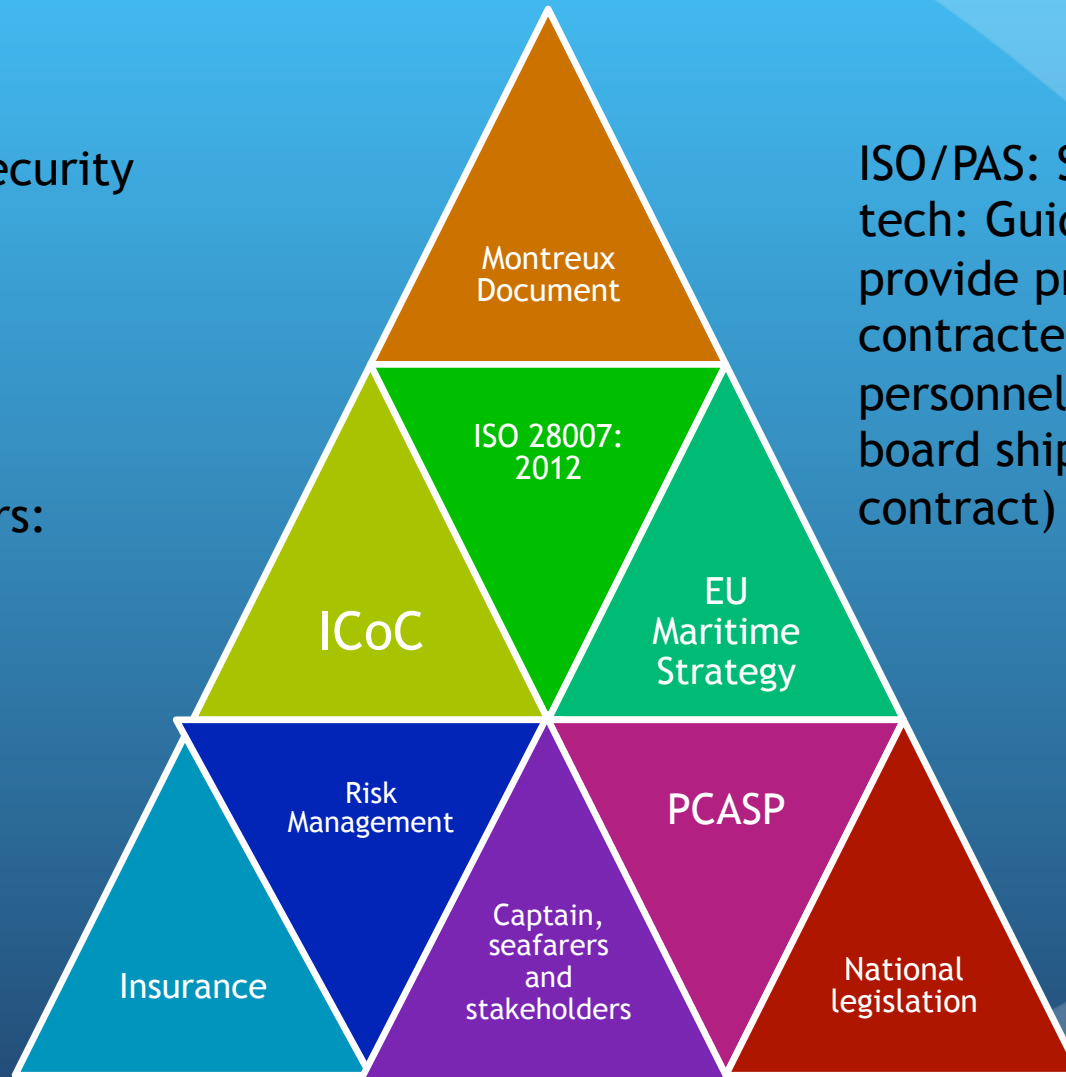


# 4. Private Maritime Security Companies (PMSCs)

IMO  
Maritime Security  
Committee

BMP4

Stakeholders:  
Shipowners  
Charterers  
Seafarers  
Port states  
Insurance  
Consumers  
Etc



ISO/PAS: Ships and marine tech: Guidelines for PMSC provide privately contracted armed security personnel (PCASP) on board ships (and pro forma contract)

# 4. Private Maritime Security Companies (PMSCs)

10

## Guides

- ICoC
- ISO
- BMP4

## International law

- Geneva Conventions
- SOLAS

## National law

- Civil
- Criminal laws

## Int. norms

- Innocent passage
- Universal jurisdiction
- Extraterritorial
- Conflict of laws

## Politics

Economics

Social

Environmental

## 5. Future role of PMSC in shipping

- Lessons from Gulf of Guinea: international co-operation
- Combined Taskforce 150, EUNAVFOR - ATALANTA
- Escorting Vessels
- General onshore/offshore/ shallow waters /high seas
- Training and Education
- Future roles with regards to Unmanned systems
- How to tackle increased international trade?
- Options for dispute resolution? Maritime Arbitral/Tribunal?
- Future - Blue ocean thinking



# Thank you

Helen Tung

Advocate, PhD cand. University of Greenwich

[Helentung.tlc@gmail.com](mailto:Helentung.tlc@gmail.com)

<https://gre.academia.edu/HelenTung>